

REMARKS

Claims 1-13 are pending in the present application. Applicant notes with appreciation the indication of allowable subject matter with respect to claims 2-5 and 7-10. With entry of this Amendment, Applicant amends claims 1-10, cancels claims 11-13 without prejudice and adds new claims 14 and 15. Reexamination and reconsideration are respectfully requested.

The Examiner rejected claims 1, 6 and 11-13 under 35 U.S.C. 102(b) as being anticipated by Matsumoto (US 5967792). The rejection is respectfully traversed.

The present invention is directed to an automatic performance apparatus that allows for easy designation of a performance part (e.g., right hand) to be reproduced or not. Claim 1, as amended, recites a reproduction condition specification portion for specifying "a performance part." Applicant has made some other amendment to claim 1 to more clearly recite the invention.

In contrast, Matsumoto does not disclose specifying a performance part, but rather a tone color. Matsumoto is directed to a karaoke apparatus that can produce a "minus-one" performance. The performance has a plurality of parts in a one-to-one relationship with tone colors and the "minus-one" corresponds to the part of the performance played by the karaoke participant (see Col. 1, lines 48-52; Col. 3, lines 16-17).

Matsumoto discloses connecting an electronic musical instrument to be played by the karaoke participant to the karaoke apparatus. Based on the tone color selected by the user, the karaoke apparatus can automatically mute the part corresponding to the selected tone color (see Col. 4, lines 21-34). Muting is achieved by deleting all of the performance data corresponding to the part or some of the performance data (such as note data) (see Col. 4, lines 35-39). Thus, what is specified for muting is by tone color. There is no disclosure or suggestion in Matsumoto that the specification can be by a performance part. Accordingly, Applicant respectfully submits that claim 1 is not anticipated by Matsumoto.

Claims 2-5 depend from claim 1. Applicant has amended claims 2, 4 and 5 in view of the amendment to claim 1 and has amended claim 3 to more clearly recite the invention.

Claim 6 is directed to an automatic performance program. As with claim 1, Applicant has amended claim 6 to delete specifying a musical instrument. Furthermore, Applicant has amended claim 6 to better claim the invention. It is believed that claim 6 is not anticipated by Matsumoto for at least the reasons set forth above with respect to claim 1.

Claims 7-10 depend from claim 6. Applicant has amended claims 7-10 in view of its amendments to claim 6.

New claims 14 and 15 have been added to depend from claims 1 and 6 respectively. Claims 14 and 15 recite specifying a musical instrument and a performance part in combination. It is believed that new claims 14 and 15 are in condition for allowance in view of their dependency from claims 1 and 6 respectively.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032038500.

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Respectfully submitted,

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